

## 2015 PRESENTENCE INVESTIGATION REPORT (PSI) EXPLAINER

This **highlighted** document is intended to explain the changes to the forms that will go into effect on July 1, 2015. These changes are due in part to the passage of new legislation which will go into effect on that date, while some changes are the result of feedback received from those who use the forms.

Please note that unless specified, the statutory (K.S.A.) references are intended to direct the user to the most current version of the statute. If a K.S.A. 2015 Supp. is referenced, this law is already in effect as of July 1, even though the statute itself has not yet been published.

### PAGE 1

- The date has been changed and this PSI is to be used for all crimes *committed* on and after July 1, 2015.

### PAGE 5

- Item 6 - The Placement Options section has been modified to be consistent with the changes in [2015 HB 2051](#) that amend the requirements for the target population for Community Corrections placement at sentencing. This bill was recommended by the Sentencing Commission to make K.S.A. 2015 Supp. 75-5291 consistent with the recommendations made by the Commission in July 2014 as it relates to cutoff scoring of the LSI-R for probation placement. The effective date for this legislation is May 21, 2015.
- Item 8 - The Costs Ordered section has been modified due to human trafficking laws being amended to provide for special restitution rules for victims of those crimes. In [2015 SB 113](#), the court is now required to order restitution consistent with the new law if the offender is convicted of Human Trafficking, Aggravated Human Trafficking or Commercial Exploitation of a Child. Restitution is required to be ordered even if the victim is unavailable and will accrue to the Human Trafficking Victim Assistance Fund if not claimed by the victim within five years after entry of the order. K.S.A. 2015 Supp. 22-3424(d). Check the box to indicate this type of case and enter the restitution ordered on the Total Restitution line. **In all cases with restitution ordered, including those without human trafficking-related convictions, continue to enter all other restitution ordered on the Total Restitution line.**

### SPECIAL RULES SUPPLEMENT

- #42 – Not new law, but a rule of criminal history calculation that as of July 1, 2015, Commercial DUI and Felony Test Refusal is added with DUI as a list of offenses that elevate previous convictions, adjudications and diversions of those offenses to **person** felonies when the current crime of conviction is Involuntary Manslaughter by DUI. [2015 HB 2055](#).
- #44 – This is a *new rule* imposed by [2015 HB 2055](#) for the crime of Aggravated Battery while DUI. It provides for a rule of criminal history calculation that as of July 1, 2015, scores the first prior conviction, adjudication or diversion for DUI, Commercial DUI or Felony Test Refusal as a **nonperson** felony. Second

and subsequent prior convictions, adjudications or diversions of these same offenses are scored as **person** felonies. K.S.A. 2015 Supp. 21-6811(c)(3).

- #45 – This is a *new rule* imposed by [2015 HB 2048](#), which provides for presumptive prison where the underlying crime is Aggravated Criminal Damage to Property (Scrap Metal) and the offender has a prior conviction for any nonperson felony. The threshold loss for the crime is more than \$5,000. K.S.A. 2015 Supp. 21-5813(b).

#### OFFENDER REGISTRATION SUPPLEMENT

- This is not new law but K.S.A. 22-4906(i) provides that the court may order an offender to register for a crime not normally requiring registration but only for the duration of the diversion agreement, probation or juvenile offender sentencing order. Please mark the time required to register, if applicable.

#### CRIMINAL HISTORY WORKSHEET

- Item 16 – To provide for Special Rules 41, 42, 44, and 45, which modify the offender's criminal history score, check boxes have been included to notify the parties to the action of the modified scoring of Leaving the Scene of an Accident, Involuntary Manslaughter by DUI, Aggravated Battery While DUI and Aggravated Criminal Damage to Property due to the amended and new special rule statutes. See Special Rules Supplement section above.